years setting off the arrears of *Michavaram* against the *kanam* amount ; (ii) the *kudiyan* cut trees the value of which exceeded the amount of *kanam* ; or (iii) the *kudiyan* made valuable improvements to defeat the intentions of the *kanam*.

(7) *Interest.*—The Member had no objection to the *kudiyan* relinquishing the *kanam* property after giving due notice to the *jenmi* when the value of the proceeds from it did not bear 4½ per cent. interest on the *kanam* amount.

(8) *Realisation of jenmi's dues.*

(i) Panchayats or juries should be constituted to decide disputes relating to *Michavaram* and other dues up to Rs. 100.

(ii) All such disputes should be disposed of in the course of one month.

(ii) The civil courts should finally dispose of suits relating to renewals.

(9) *Enhancement of pattam.*—The *pattam* on paddy lands should not be fixed at one-third of the annual yield and of dry lands as a proportion of the yield from the fruit-bearing trees. The *jenmi* should be entitled to a share also of the other crops raised on dry lands. Such a claim was justifiable in view of the fact that the *kudiyan* is entitled to a deduction of the amount of interest on the *kanam* from the *pattam*. He suggested a definition of *payattupattam* or *pattam* on cereal or dry cultivation referred to above. It should be either one-third of the crops raised or *pattam* payable for the use of *tarisu* lands.

(10) *Reduction of pattam.*—The Member had no objection to allow a reduction in the amount of *pattam* in cases where the *kudiyan* suffered any loss through act of God to such an extent that the income from the property would not yield interest at 3 to 6 per cent. per annum on the *kanam* amount. The amount to be deducted should be calculated on the basis of the value of the crops which should work up to 4½ per cent. interest on the *kanam* amount.

(11) *Para measure.*—The *para* to be used for measuring the *pattam* should be that stipulated in the lease deed, and if not so specified, according to the standard *para*.

(12) *Right to trees.*—The *jenmi* should be entitled to *kudivila* on Royal trees and not the *kudiyan*. In regard to other trees, if they were mentioned in the deed, the *kudiyan* should have no share of the value, but if they had been planted and reared by the *kudiyan*, the *kudiyan* and the *jenmi* should have an equal share. There was no objection to the *kudiyan* lopping the branches of trees for use as fuel.

(13) *Improvements.*—A schedule fixing the value of each kind of tree or vine should be published and the *kudiyan* should be entitled to compensation according to that schedule.

(14) *Ettartham.*—The meaning of the expression was not correctly understood, nor did the *kudiyan* pay anything in the shape of *Ettartham*. *Ettartham* was the just share which the *jenmi* was entitled to in the prosperity of the *kudiyan* through a general rise of prices, increased facilities of communications, etc., *i. e.*, a share in the unearned increment on land.

(15) *Pre-emption.*—The *jenmi* should have the right of pre-emption when the *kudiyan* sold the property demised on *kanam*.

Lastly, when the Jenmi Kudiyan Bill was taken up in the Council, the *jenmies* should be given an opportunity to be heard in the Council by a vakil representing their interests, and a *jenmi* member should be co-opted.

DEWAN'S REPLY : Mr. Nilakantan Namputiri, I would refer you to the reply I gave to the representation on the same subject yesterday by Mr. Varkey Aipora.

43. Establishment of a Sub-Registrar's office at Ranni.

MR. K. C. ABRAHAM (*Member, Nominated*) in advocating the establishment of a sub-registrar's office at Ranni, spoke first on the importance which Ranni had risen to in recent years through the large amount of investments on cocoanut, pepper, rubber and other cultivations in the Pattanamtitta taluk, particularly Ranni *pakuthi*, and through the commercial importance of the Sabarimala, Nilakkal and

LIBRARY ARCHIVES Kerala Legislative Assembly

Pampa rivers. The people of Ranni were subject to various difficulties for want of a sub-registrar's office. They had to go often to Pattanamtitta which stood second in the State in the number of documents registered. In 1099, 4831 and in 1100, 6257 documents were registered in Pattanamtitta sub-registrar's office. The work there was so heavy that there was considerable delay in the people of Ranni getting their deeds registered. Among the five *pakuthies* within the jurisdiction of the Pattanamtitta sub-registrar's office, 851 documents out of a total of 4831 and 1250 out of a total of 6257 in 1099 and 1100 respectively were from Ranni *pakuthi* alone. The increase in the volume of registration was due to the Nayar Regulation. The receipts from Pattanamtitta sub-registrar's office amounted to Rs. 10,453 in 1099 and Rs. 12,509 in 1100 and deducting the expenditure for the two years, the net receipts to Government came to Rs. 16,474. On these grounds, the establishment of a sub-registrar's office at Ranni with jurisdiction over Cherukol *pakuthi*, and Kottathur and Idappavur was justifiable.

He also desired that the camp-shed and the police station might be established in a suitable locality.

DEWAN'S REPLY: Mr. Abraham, a proposal is already before the Government for the establishment of a sub-registrar's office at Ranni. To enable them to arrive at a satisfactory decision, they have called for certain statistics from the Director of Registration, and as soon as they are received, the matter will be settled.

44. Defects in the working of the Registration Department and suggestions for its improvement.

MR. G. A. FERNANDEZ (*Member, Nominated*) said that the law regarding registration was defective and did not afford facilities for securing the validity and accuracy of the documents. The document writers wrought havoc in preparing deeds. To avoid the evil, Government should appoint licensed qualified conveyancers under a special law. The Member referred to the existence at a prior period of *Urkanakkans*, who, to some extent corresponded to licensed conveyancers and combined in themselves the work of conveyancing and registering. The sub-registrars who superseded them were entrusted with the duty of registering only, which was certainly improved; but the other function of the old quasi-judicial officers was left in the hands of a class of ignorant document writers of the present day. The Member's suggestion in this matter was that a law should be enacted to safeguard the interests of the vendor and vendee and other parties to a transaction.

The next point was the absence of any provision for identification of the properties cited in a document. Although Section 14 required the enumeration of the particulars of the property in a non-testamentary document relating to immoveable property, under the rules it was no part of the registrar's duty to enquire into the validity of the documents brought before him for registry. He therefore suggested that a copy of the revenue (settlement) register kept in the *pakuthi* brought up-to-date must be supplied to every sub-registrar's office and the registrar should be instructed to satisfy himself as to the accuracy of the description of the properties contained in the deed sought to be registered.

The next suggestion was that the executant of a deed should be asked to present along with the deed duplicate copies of the entries in the village register and the plan duly certified by the *pakuthi* officer. The adoption of the suggestion might be objected to on the ground that it would involve additional expenditure; but he suggested the ways and means for finding funds to meet the additional expense. They were—

(i) Presentation by the parties of duplicate copies of the documents to be registered as was provided for in the Registration Regulation of 1042, which would avoid a good deal of time and labour in the registrar's offices.

(ii) Levy of a small fee of 4 As. for the preparation of the copies from village registers which was expected to bring in Rs. 70,000 and with which the necessary additional hands in the *pakuthi* offices and registrar's offices might be appointed.

(iii) Levy of a license fee of Rs. 25 per annum per head from qualified conveyancers of whom on an average each sub-registrar's office should have six. The receipts under this head were expected to amount to Rs. 11,500.

LIBRARY ARCHIVES Kerala Legislative Assembly